

CITY COUNCIL, CITY OF ROCKFORD
JOURNAL OF PROCEEDINGS
MAY 7, 2012
COUNCIL CONVENED AT 6:22 P.M.

1. The Clerk called the meeting to order in the absence of the Mayor, and recognized Alderman Beck who moved that Alderman Jacobson serve as Mayor Pro Tem for the meeting. Said motion was seconded by Alderman Robertson. MOTION PREVAILED (Ald. Wasco, Hervey, Thompson-Kelly absent).
- 1a. The invocation was given by Chaplain Hayes, New Zion Church/Rockford Police Chaplain and the Pledge of Allegiance was led by Boy Scout Troop #14 from Our Savior's Lutheran Church.
2. Roll Call:

Alderman Jacobson, Mayor Pro Tem

Aldermen: Durkee, Curran, Mark, (Jacobson), Johnson, Timm, Beach, Elyea, Beck, McNeely, Robertson -11-
Absent: Wasco, Hervey, Thompson-Kelly -3-
3. Alderman Mark moved to accept the Journal of Proceedings of April 30, 2012, seconded by Alderman Timm. MOTION PREVAILED (Ald. Wasco, Hervey, Thompson-Kelly absent).

PUBLIC PARTICIPATION

4. Mike Doyle spoke about the Greater Rockford Italian American Association (GRIAA) project, "The Immigration Histories of Rockford's Italian Families". They are seeking to collect a one to two page story of the history of any Italian family who came to the Rockford area in the 19th or 20th centuries.
5. Eve Kirk voiced her frustration that residents of the Rural Oaks, Calvin Park and Highland Heights Associations were not provided the opportunity to voice their concerns about the Whitman Street bridge exchange engineering study prior to council passing the funding for the study.
6. Jim Buckingham shared a negative experience he had at Noah's Ark and offered his opinion of the electrical aggregation program.
7. Prophet Yusef wished Nora Doyle, Aldermen Mark and Curran a happy birthday and spoke about "Counting on God's Word".
8. Bruce Roberts wished Mayor Morrissey's family and new baby boy the best and God's blessing and reported FBI violent crime statistics of Chicago suburbs and Rockford.

PETITIONS AND COMMUNICATIONS

9. Alderman Jacobson submitted a request for service. Referred to the Police Department.
10. Alderman Beach submitted a Memorandum from Julia Valdez, Deputy City Administrator/ Director of Human Resources, regarding upcoming events:
 1. Rockford Public Library Summer Reading Kickoff – 6/2/12
 2. Rockford Sharefest – 6/16/12
 3. July 4th Celebration – 7/4/12
 4. Midtown Summer Fest – 7/14/12
 5. Bethesda Covenant Alley Walk – 9/8/12
 6. Amped Up Adventure Race – 10/20/12

Referred to Code and Regulation Committee.

11. Alderman Elyea submitted a Memorandum from Rob Lamb, Industrial Development Manager regarding a Development Agreement with Prairie Street Brewhouse, LLC for the rehabilitation and establishment of a mixed use development. Referred to Planning and Development Committee.
12. Alderman Beck submitted a Memorandum from Julia Scott-Valdez, Human Resources Director, regarding Compensation analysis and adjustment for non-union personnel. Referred to Finance and Personnel Committee.
13. Alderman Beck submitted a Memorandum from Patrick Hayes, Legal Director, regarding Retention of Outside Counsel Services. Referred to Finance and Personnel Committee.
14. Alderman Johnson submitted eight (8) requests for service. Referred to Public Works Department and Community Development/Code Enforcement.
15. Alderman Beach submitted a request from Susan Porzel, in conjunction with Purina Pet Adoption Event at Valli Produce Grand Opening requesting permission to utilize private parking lot for the event on Saturday, May 12, 2012 from 10:00 am to 3:00 pm. Alderman Beach moved to grant the Prayer of the Petitioner, seconded by Alderman Timm. MOTION PREVAILED (Ald. Wasco, Hervey, Thompson-Kelly absent).

NEW COMMITTEE REPORTS

16. Alderman Beach read a Code and Regulation Committee Report recommending that City Council APPROVE granting an amended sanitary sewer easement through City of Rockford Property. LAID OVER.
17. Alderman Beach read a Code and Regulation Committee Report recommending the approval of Spring Meadows Plat #2. LAID OVER.
18. Alderman Beach read a Code and Regulation Committee Report recommending the approval of the Final Plat 5 of Riverside Marketplace. LAID OVER.

19. Alderman Beach read a Code and Regulation Committee Report recommending the approval of Downtown Rockford (Final Plat of Jefferson/South Third Street). LAID OVER.
20. Alderman Beach read a Code and Regulation Committee Report recommending the approval of the Plan of Operation and Governance regarding an Electricity Aggregation Program. LAID OVER.

2012-163CR

21. Alderman Beach read a Code and Regulation Committee Report recommending the approval of the settlement agreement in Cross v. City of Rockford, et al. [2006 C 50140 and 2010 C 50179]. Pursuant to the terms of the attached Settlement Agreement: (1) Mr. Cross shall be paid his current yearly wage (bi-weekly, \$58,821.57 per annum) on the same usual and customary dates as other employees of the City until October 5, 2013; (2) Mr. Cross shall be paid a lump sum payment of \$55,000.00; and, (3) Mr. Cross' attorney shall receive fees in the amount of \$25,000.00.

Alderman Beach moved to suspend Rule 11, seconded by Alderman Timm. MOTION PREVAILED (Ald. Wasco, Hervey, Thompson-Kelly absent). The Committee Report was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Jacobson, Johnson, Timm, Beach, Elyea, Beck, McNeely, Robertson -11-

Nays: -0-

Absent: Wasco, Hervey, Thompson-Kelly -3-

22. Alderman Beck read a Finance and Personnel Committee Report recommending the award for Garage Door Services be made to the (2) lowest bidders, Raynor Door Authority, of Loves Park, Illinois and Overhead Door Co., of Rockford, Illinois for the hourly rates as shown on tabulation. The funding source is Property Fund. LAID OVER.
23. Alderman Beck read a Finance and Personnel Committee Report recommending the award for Material Testing be made to Apex Testing and Environmental Services, LLC to perform materials testing for various road projects for a total not-to-exceed cost of \$100,000. The funding source is Sales Tax funds. LAID OVER.
24. Alderman Beck read a Finance and Personnel Committee Report recommending approval of an Engineering Agreement with McMahon Associates for Demolition of Well Site 28 in an amount not to exceed \$11,400. Funding for the project will come from the Water Replacement and Improvement Account (WRIA). LAID OVER.
25. Alderman Beck read a Finance and Personnel Committee Report recommending approval of Task Order #19 with MWH America, Inc. for work on the Water System Rehabilitation Project in an amount not to exceed \$89,800. The task order will be completed under a Master Agreement with MWH Americas, Inc. Funding for the project will come from the Water Replacement & Improvement Account (WRIA). LAID OVER.
26. Alderman Beck read a Finance and Personnel Committee Report recommending the award for Engineering Agreement: On Call Construction Observation be made to Homer

Chastain & Associates, to perform construction observation services for various road projects for a total not-to exceed cost of \$50,000. The funding for the project will come from Sales Tax funds. LAID OVER.

2012-164CR

27. Alderman Beck moved the adoption of a Finance and Personnel Committee Report recommending the award for City-Wide Street Repair Group 3 be made to the low bidder, William Charles Construction, of Loves Park, Illinois for their total bid of \$694,129.06. The funding source is Sales Tax.

Alderman Beck moved to suspend Rule 11, seconded by Alderman Mark. MOTION PREVAILED (Ald. Wasco, Hervey, Thompson-Kelly absent). The Committee Report was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Jacobson, Johnson, Timm, Beach, Elyea, Beck, McNeely, Robertson -11-

Nays: -0-

Absent: Wasco, Hervey, Thompson-Kelly -3-

28. Alderman Beck moved the adoption of a Finance and Personnel Committee Report recommending approval of the total vouchers for the week of May 7, 2012 in the amount of \$1,606,449.32. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Jacobson, Johnson, Timm, Beach, Elyea, Beck, McNeely, Robertson -11-

Nays: -0-

Absent: Wasco, Hervey, Thompson-Kelly -3-

OFFICERS REPORTS

29. Alderman Jacobson announced Mayor Morrissey and his wife Stacy welcomed their baby boy to the family this morning at 8:12 am. He weighed 8 lbs. 9 oz. and is 20 ¾ inches long.

UNFINISHED BUSINESS

2012-165CR

30. Alderman Beach moved the adoption of a Code and Regulation Committee Report SUSTAINING the Liquor Advisory Board, thereby recommending that City Council APPROVE the sale of liquor by the drink in conjunction with a Sports Bar and Grill and an outdoor seating area/beer garden in the name of **Sali Limani d/b/a Boomers Sports Bar and Grill** in a C-2, Limited Commercial Zoning District located at 908 West Riverside Boulevard. Approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
2. Meeting all applicable building and fire codes.
3. That there shall be no cover charge to enter other than pay per view events.
4. Hours are limited to Sunday through Saturday 11:00 am to 2:00 am.
5. That the premises have one (1) security staff for every fifty (50) customers.

6. That the outdoor seating area to close by 10:00 pm during the weekdays and midnight on weekends.
7. The plan for the outdoor seating area must be reviewed by Staff and must meet the required code prior to issuance of a building permit which will require modification of the design.
8. That the property not function as a night club with a dance floor/stage area over 150 square feet.

The Legal Director is hereby instructed to prepare the necessary Ordinance. MOTION PREVAILED (Ald. Wasco, Hervey, Thompson-Kelly absent).

2012-166CR

31. Alderman Beach moved the adoption of a Code and Regulation Committee Report SUSTAINING the Liquor Advisory Board, thereby recommending that City Council APPROVE the sale of packaged liquor in conjunction with a liquor store in the name of **Neel Patel d/b/a Cork, Keg and Spirits** in a C-2, Limited Commercial Zoning District located at 1603 North Alpine Road. Approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
2. Meeting all building and fire codes.
3. Signage must be in compliance with the Zoning Ordinance and may not cover more than 35% of the window surface for indoor signs.
4. Hours of operation should be limited to Monday through Thursday 10:00 am to 10:00 pm; Friday through Saturday 10:00 am to midnight; and Sunday 10:00 am to 9:00 pm.

The Legal Director is hereby instructed to prepare the necessary Ordinance. MOTION PREVAILED (Ald. Wasco, Hervey, Thompson-Kelly absent).

2012-167CR

32. Alderman Beach moved the adoption of a Code and Regulation Committee Report SUSTAINING the Liquor Advisory Board, thereby recommending that City Council APPROVE the sale of liquor by the drink in conjunction with a restaurant and nightclub with a beer garden and outdoor seating area in the name of **Dionisios Trakas d/b/a Downtown Rockford Restaurant, LLC** in a C-4, Urban Mixed-Use Zoning District at 205 West State Street. Approval is subject to the following conditions:

1. Meeting all building and fire codes.
2. Meeting all City of Rockford liquor codes.
3. The interior layout of the business shall be consistent with the submitted interior floor plan Exhibit D.
4. Submittal of a detailed site plan for the outdoor seating area for Staff approval and permit.
5. That the facility shall include a full service restaurant.
6. The hours of operation shall be in accordance with the Liquor Code.
7. The business shall operate according to the submitted business and security plans including security being provided at a minimum of one (1) per sixty (60) patrons while operating as a nightclub.

The Legal Director is hereby instructed to prepare the necessary Ordinance. MOTION PREVAILED (Ald. Wasco, Hervey, Thompson-Kelly absent).

2012-168CR

33. Alderman Beach moved the adoption of a Code and Regulation Committee Report SUSTAINING the Liquor Advisory Board, thereby recommending that City Council APPROVE the sale of beer and wine by the drink in conjunction with a restaurant in the name of **Rosa Laurencio d/b/a Tortacos Soto** in a C-4, Urban Mixed-Use Zoning District at 1138 Broadway. Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Meeting all City of Rockford liquor codes.
3. The sale of alcoholic beverages shall be in conjunction with a restaurant.
4. The sale of alcohol shall be limited to the interior to the restaurant that was submitted in Exhibit E.
5. The hours and days of operation for the restaurant will be from 8:00 am to 9:00 pm Monday through Sunday.
6. The amount of liquor sales as a percentage of gross annual sales of the business shall not exceed 25%.
7. The restaurant shall not operate as a nightclub.

The Legal Director is hereby instructed to prepare the necessary Ordinance. MOTION PREVAILED (Ald. Wasco, Hervey, Thompson-Kelly absent).

2012-169CR

34. Alderman Beach moved the adoption of a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Special Use Permit for a restaurant and nightclub in a C-4, Urban Mixed-Use Zoning District at 203-207 West State Street. Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Compliance with City of Rockford liquor codes.
3. The interior layout of the business shall be consistent with the submitted interior floor plan Exhibit D.
4. Submittal of a detailed site plan for the outdoor seating area for Staff approval and permit.
5. That the facility shall include a full service restaurant.
6. The hours of operation shall be in accordance with the liquor code.
7. The business shall operate according to the submitted business and security plans including security being provided at a minimum of one (1) per sixty (60) patrons as a nightclub.

Approval is based on the Findings of Fact. The Legal Director is hereby instructed to prepare the necessary Ordinance. MOTION PREVAILED (Ald. Wasco, Hervey, Thompson-Kelly absent).

2012-170CR

35. Alderman Beach moved the adoption of a Code and Regulation Committee Report SUSTAINING the Zoning Board of Appeals, thereby recommending that City Council APPROVE the Variation to increase the number of allowable wall signage from two (2) to three (3) in a C-3, Commercial General Zoning District at 6270 East State Street. Approval is subject to the following conditions:

1. Meeting all building and fire codes.
2. Submittal of building permit for Staff review and approval.
3. The wall sign must be on the east elevation and must be in accordance with Exhibits E and F.

Approval is based on the Findings of Fact. The Legal Director is hereby instructed to prepare the necessary Ordinance. MOTION PREVAILED (Ald. Wasco, Hervey, Thompson-Kelly absent).

2012-171CR

36. Alderman Beck moved the adoption of a Finance and Personnel Committee Report recommending the award of three contracts for Asbestos Testing & Abatement Services to, Anderson & Egan for commercial property asbestos testing, one to Public Health, and one to Ironwood Environmental for residential property asbestos testing. The funding source is CDBG Funds, Departmental Operating Budgets, & Capital Improvement Funds. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Jacobson, Johnson, Timm, Beach, Elyea, Beck, McNeely, Robertson -11-
Nays: -0-
Absent: Wasco, Hervey, Thompson-Kelly -3-

2012-172CR

37. Alderman Beck moved the adoption of a Finance and Personnel Committee Report recommending the award for Engineering Agreement: City-Wide Sidewalk Construction Inspection Services be made to Rosario S. Tarara Land Surveying, Inc./Carroll Engineering & Associates, Inc. to perform construction inspection services to a total not-to-exceed cost of \$15,000. The funding for this project will come from Sales Tax funds. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Jacobson, Johnson, Timm, Beach, Elyea, Beck, McNeely, Robertson -11-
Nays: -0-
Absent: Wasco, Hervey, Thompson-Kelly -3-

2012-173CR

38. Alderman Beck moved the adoption of a Finance and Personnel Committee Report recommending approval of a Development Agreement for South Main Street Water Main – Railroad Pipe Crossing License with the Illinois Railway, LLC for an annual fee of \$1,000.00. Funding for this agreement will come from Sales Tax. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Jacobson, Johnson, Timm, Beach, Elyea, Beck, McNeely, Robertson -11-
Nays: -0-
Absent: Wasco, Hervey, Thompson-Kelly -3-

39. Alderman Beck moved the adoption of an appointment to the Fire Pension Board, Mr. Chris Black, whose term will expire May 2015. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Jacobson, Johnson, Timm, Beach, Elyea, Beck, McNeely, Robertson -11-
Nays: -0-
Absent: Wasco, Hervey, Thompson-Kelly -3-

2012-174CR

40. Alderman Elyea moved the adoption of a Planning and Development Committee Report recommending approval of the Amended Development Agreement with Downtown Rockford Restaurant, LLC to exclude the CDBG Grant of \$50,000 for the establishment of a new restaurant to be located at 205 West State Street.

Alderman Durkee made a motion to amend the committee report recommending the approval of the Development Agreement with the Downtown Rockford Restaurant, LLC, to restore the \$50,000 grant of CDBG funds, on the terms set forth in the original staff report and draft development agreement, seconded by Alderman Mark. MOTION PREVAILED (Ald. Elyea, McNeely voted no; Ald. Wasco, Hervey, Thompson-Kelly absent).

The Committee report as amended was placed up for passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Jacobson, Johnson, Timm, Beach, Beck, Robertson -9-
Nays: Elyea, McNeely -2-
Absent: Wasco, Hervey, Thompson-Kelly -3-

2012-175CR

41. Alderman Elyea moved the adoption of a Planning and Development Committee Report recommending approval of the First Amendment to the Redevelopment Agreement between the City of Rockford and Ingenium Testing Services, LLC; Ingenium Aerospace, LLC; and ITS Partners, LLC for the property located at 3761 South Central Avenue dated December 26, 2007. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Jacobson, Johnson, Timm, Beach, Elyea, Beck, McNeely, Robertson -11-
Nays: -0-
Absent: Wasco, Hervey, Thompson-Kelly -3-

2012-176CR

42. Alderman Elyea moved the adoption of a Planning and Development Committee Report recommending approval of the Development Agreement with Craig Sockwell & James Douglas, d/b/a On the Rocks for a grant in the amount of \$50,000 to develop a new bar and grill at 3457 Merchandise Drive. The source of the grant is the Community Development Block Grant (CDBG) Program. The Legal Director shall prepare the appropriate ordinance. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Jacobson, Johnson, Timm, Beach, Beck, McNeely, Robertson -10-

Nays: Elyea -1-

Absent: Wasco, Hervey, Thompson-Kelly -3-

2012-177CR

43. Alderman Elyea moved the adoption of a Planning and Development Committee Report recommending that the In-Kind Services Request between the City of Rockford and Rockford Park District be approved. The City will provide an "in kind" contribution of approximately \$2,165 for permit fee waiver for the Nicholas Conservatory's dock permit. – In Kind Services Request. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Curran, Mark, Jacobson, Johnson, Timm, Beach, Elyea, McNeely, Robertson -10-

Nays: -0-

Abstain: Beck -1-

Absent: Wasco, Hervey, Thompson-Kelly -3-

MOTIONS AND RESOLUTIONS**2012-055R**

44. Alderman Mark moved the adoption of a Resolution requesting permission from Illinois Department of Transportation (IDOT) for temporary closures of Illinois Route 2 (Wyman St.) from Morgan St. to Park Ave., Illinois Route 2 (Park Ave.) from Wyman St. to Main St., Illinois Route 2 (Main St.) from Park Ave. to Whitman St. and Illinois Route 2 (Cedar St.) from Church St. to Main St.;

Illinois Route 251 (Second St.) from the Whitman St. exchange to Walnut St. and U.S. Business 20 (Chestnut St.) from Church St. to First St. and U.S. Business 20 (Jefferson St.) closure of the two southernmost lanes from First St. to Main St. on July 4, 2012 for the Fourth of July Celebrations. MOTION PREVAILED (Ald. Wasco, Hervey, Thompson-Kelly absent).

2012-056R

45. Alderman Mark moved the adoption of a Resolution requesting permission from Illinois Department of Transportation (IDOT) for temporary closures of Illinois Route 2 (Wyman St.) from Cedar St. to Park Ave., Illinois Route 2 (Park Ave.) from Wyman St. to Main St. and Illinois Route 2 (North Main St.) from Park Ave. to Riverside Blvd. and furthest easternmost lane only on North Main from Riverside to Bauer Parkway;

U.S. Business 20 (Chestnut/Walnut St.) from Wyman St. to First St. and the two furthest northernmost lanes of U.S. Business 20 (Jefferson St.) from First Ave. to Kilburn Ave.;

Illinois Route 70 (Kilburn Ave.) from Jefferson St. to Fairview Ave. from Halsted to Safford Rd. on May 20, 2012 for the Rockford Marathon. MOTION PREVAILED (Ald. Wasco, Hervey and Thompson-Kelly absent).

Alderman Curran exited the meeting at 7:07 pm.

2012-057R

46. Alderman Mark moved the adoption of a Resolution that the City of Rockford encourages Rockford Public Schools' Board of Education to approve and implement wall-to-wall academics which are characterized by:

- Smaller learning communities with stable teacher/student grouping;
- College-and-career-preparatory curriculum for all students;
- Partnerships with business, post-secondary institutions, civic and other community organizations; and

That the City of Rockford will explore with Rockford Public Schools potential academy partnerships.

Alderman McNeely made a motion to lay the Resolution over for a week, seconded by Alderman Elyea.

After discussion, Alderman Elyea withdrew her second and Alderman McNeely's motion failed for lack of a second. The Resolution was placed up for passage. MOTION PREVAILED (Ald. Curran, Wasco, Hervey, Thompson-Kelly absent).

2012-058R

47. Alderman Beach, on behalf of the Code and Regulation Committee, moved the adoption of a Resolution, for the Mexican Patriotic Committee requesting a special event permit and liquor permit for consumption of liquor outdoors on private property ("S" license) for the Mexican Baseball Festival on May 27, 2012 from 4:00 pm – 9:30 pm located at 803 South Central Avenue. MOTION PREVAILED (Ald. Curran, Wasco, Hervey, Thompson-Kelly absent).

2012-059R

48. Alderman Beach, on behalf of the Code and Regulation Committee, moved the adoption of a Resolution, for BEST BUY requesting a special event permit for a Cookout For a Cure Event on May 12, 2012 from 9:00 am – 4:00 pm located in Best Buy's parking lot, 281 Deane Drive, Rockford. MOTION PREVAILED (Ald. Curran, Wasco, Hervey, Thompson-Kelly absent).

2012-060R

49. Alderman Beach, on behalf of the Code and Regulation Committee, moved the adoption of a Resolution, for WAL-MART requesting a special event permit for the Wal-Mart's

Children's Miracle Network fundraiser on May 11-13/2012; May 25-27/2012 each day from 11:00 am – 7:00 pm located in Wal-Mart's parking lot, 3902 West Riverside Blvd. MOTION PREVAILED (Ald. Curran, Wasco, Hervey, Thompson-Kelly absent).

2012-061R

50. Alderman Beach, on behalf of the Code and Regulation Committee, moved the adoption of a Resolution, for Klehm Arboretum requesting a special event permit for the Garden Fair Event on June 1, 2012 from 12:00 (noon) – 8:00 pm, June 2, 2012 from 9:00 am – 5:00 pm and June 3, 2012 from 9:00 am – 3:00 pm located at Klehm Arboretum, 2715 South Main Street. MOTION PREVAILED (Ald. Curran, Wasco, Hervey, Thompson-Kelly absent).

NEW BUSINESS

51. Alderman Beach introduced and read an Ordinance amending Chapter 16, Schedule 313 of the Code of Ordinances of the City of Rockford to repeal the following:

The existing "No Parking Weekdays from 1 pm – 4 pm" restriction on the north side of Fulton Avenue from 150 feet west of Winnebago Street from 250 feet west of Winnebago Street, thus restoring unrestricted parking.

LAID OVER.

52. Alderman Beach introduced and read an Ordinance amending Chapter 16, Schedule Section 280 of the Code of Ordinances of the City of Rockford to repeal the following:

The existing "No Parking Anytime" restriction on the north side of Fulton Avenue from Rockton Avenue to 150 feet east of Rockton Avenue, thus restoring unrestricted parking.

LAID OVER.

53. Alderman Beach introduced and read an Ordinance amending Chapter 16, Schedule Section 309 of the Code of Ordinances of the City of Rockford to add the following:

That a "Commercial Loading" parking zone be established from 8:00 am – 5:00 pm, Monday through Friday on the north side of Mulberry Street from Church Street to 95 feet west of Church Street, thus repealing the existing "24 hour" commercial loading zone on the north side of Mulberry Street from Church Street to 95 west of Church Street.

LAID OVER.

54. Alderman Beach introduced and read an Ordinance approving the agreement between the Highway Authority and Richard Warner for remedial action for the property located at 1706 Rural Street and prohibits the use of groundwater for the area surrounding. LAID OVER.

2012-062-O

55. Alderman Beach introduced and read an Ordinance amending Article 64 of the Zoning Ordinance of the City of Rockford for a variation to increase the number of allowable wall

signage from two (2) to three (3) in a C-3, Commercial General Zoning District at 6270 East State Street. Approval is subject to the following conditions:

1. Meeting all building and fire codes.
2. Submittal of building permit for Staff review and approval.
3. The wall sign must be on the east elevation and must be in accordance with Exhibits E and F.

Alderman Beach moved to suspend Rule 11, seconded by Alderman Mark. MOTION PREVAILED (Ald. Curran, Wasco, Hervey, Thompson-Kelly absent). The Ordinance was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Mark, Jacobson, Johnson, Timm, Beach, Elyea, Beck,
McNeely -9-
Nays: Robertson -1-
Absent: Curran, Wasco, Hervey, Thompson-Kelly -4-

2012-063-O

56. Alderman Beach introduced and read an Ordinance amending Article 63 of the Zoning Ordinance of the City of Rockford for a Special Use Permit for a restaurant and nightclub in a C-4, Urban Mixed-Use Zoning District at 203-207 West State Street. Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Compliance with City of Rockford liquor codes.
3. The interior layout of the business shall be consistent with the submitted interior floor plan Exhibit D.
4. Submittal of a detailed site plan for the outdoor seating area for Staff approval and permit.
5. That the facility shall include a full service restaurant.
6. The hours of operation shall be in accordance with the liquor code.
7. The business shall operate according to the submitted business and security plans including security being provided at a minimum of one (1) per sixty (60) patrons as a nightclub.

Alderman Beach moved to suspend Rule 11, seconded by Alderman Mark. MOTION PREVAILED (Ald. Curran, Wasco, Hervey, Thompson-Kelly absent). The Ordinance was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Mark, Jacobson, Johnson, Timm, Beach, Elyea, Beck,
McNeely, Robertson -10-
Nays: -0-
Absent: Curran, Wasco, Hervey, Thompson-Kelly -4-

2012-064-O

57. Alderman Beach introduced and read an Ordinance amending Chapter 3, Section 3-55 of the Code of Ordinances of the City of Rockford upon all other requirements of the Liquor Ordinance having been met, said amendment shall serve as City Council advice and consent for the Liquor Commissioner to issue a Liquor License to the following person:

Dionisios Trakas d/b/a Downtown Rockford Restaurant (District) for the sale of liquor by the drink in conjunction with a restaurant and nightclub with a beer garden and outdoor seating area in a C-4, Urban Mixed-Use Zoning District at 205 West State Street. Approval is subject to the following conditions:

1. Meeting all building and fire codes.
2. Meeting all City of Rockford liquor codes.
3. The interior layout of the business shall be consistent with the submitted interior floor plan Exhibit D.
4. Submittal of a detailed site plan for the outdoor seating area for Staff approval and permit.
5. That the facility shall include a full service restaurant.
6. The hours of operation shall be in accordance with the Liquor Code.
7. The business shall operate according to the submitted business and security plans including security being provided at a minimum of one (1) per sixty (60) patrons while operating as a nightclub.

Alderman Beach moved to suspend Rule 11, seconded by Alderman Mark. MOTION PREVAILED (Ald. Curran, Wasco, Hervey, Thompson-Kelly absent). The Ordinance was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Mark, Jacobson, Johnson, Timm, Beach, Elyea, Beck, McNeely, Robertson -10-
Nays: -0-
Absent: Curran, Wasco, Hervey, Thompson-Kelly -4-

2012-065-O

58. Alderman Beach introduced and read an Ordinance amending Chapter 3, Section 3-55 of the Code of Ordinances of the City of Rockford upon all other requirements of the Liquor Ordinance having been met, said amendment shall serve as City Council advice and consent for the Liquor Commissioner to issue a Liquor License to the following person:

Sali Limani d/b/a Boomers Sports Bar and Grill for the sale of liquor by the drink in conjunction with a Sports Bar and Grill and outdoor seating area/beer garden in a C-2, Limited Commercial Zoning District at 908 West Riverside Boulevard. Approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
2. Meeting all applicable building and fire codes.
3. That there shall be no cover charge to enter other than pay per view events.
4. Hours are limited to Sunday through Saturday 11:00 am to 2:00 am.
5. That the premises have one (1) security staff for every fifty (50) customers.
6. That the outdoor seating area to close by 10:00 pm during the weekdays and midnight on weekends.
7. The plan for the outdoor seating area must be reviewed by Staff and must meet the required code prior to issuance of a building permit which will require modification of the design.

8. That the property not function as a night club with a dance floor/stage area over 150 square feet.

Alderman Beach moved to suspend Rule 11, seconded by Alderman Mark. MOTION PREVAILED (Ald. Curran, Wasco, Hervey, Thompson-Kelly absent). The Ordinance was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Mark, Jacobson, Johnson, Timm, Beach, Elyea, Beck,
McNeely, Robertson -10-
Nays: -0-
Absent: Curran, Wasco, Hervey, Thompson-Kelly -4-

59. Alderman Durkee introduced and read an Ordinance amending the Redistricting Ordinance, with the Maps and Legal Descriptions for the Wards of the City of Rockford based upon the 2010 census. LAID OVER.
60. Alderman Elyea introduced and read an Ordinance approving the Amendment to the City's Housing and Community Development 2010-2014 Consolidated Plan in connection with the Department of Housing and Urban Development's Emergency Solutions Grant Program. LAID OVER.
61. Alderman Elyea introduced and read an Ordinance approving the Development Agreement with Downtown Rockford Restaurant, LLC upon receipt of approval from U.S. Department of Housing and Urban Development.

Alderman Elyea moved to suspend Rule 11, seconded by Alderman Mark. MOTION FAILED (Ald. McNeely voted no; Ald. Curran, Wasco, Hervey, Thompson-Kelly absent). The Ordinance was LAID OVER.

2012-066-O

62. Alderman Elyea introduced and read an Ordinance approving the Development Agreement with Craig Sockwell & James Douglas, d/b/a On the Rocks.

Alderman Elyea moved to suspend Rule 11, seconded by Alderman Mark. MOTION PREVAILED (Ald. Curran, Wasco, Hervey, Thompson-Kelly absent). The Ordinance was placed on Passage. MOTION PREVAILED by a Roll Call vote of:

Ayes: Durkee, Mark, Jacobson, Johnson, Timm, Beach, Elyea, Beck,
McNeely -9-
Nays: Robertson -1-
Absent: Curran, Wasco, Hervey, Thompson-Kelly -4-

63. Upon motion duly made and seconded, the meeting was adjourned at 7:21 p.m.

Respectfully submitted,

Diane Reed
City Council Clerk

[The meeting was taped in its entirety, and the tape is on file in the Legal Department]

CITY COUNCIL, CITY OF ROCKFORD, ILLINOIS
City Council Chambers, 2ND floor City Hall
425 E. State Street, Rockford
May 14, 2012
6:00 P.M.
AGENDA

The following represents, in general, the chronological order of proceedings at the City Council meeting:

- Call to Order by the Mayor
- Invocation and Pledge of Allegiance
- Roll Call and determination of quorum
- Acceptance of Journal of Proceedings
- Public Hearing
- Public Participation
- Petitions and Communications
- New Committee Reports (Reports of Standing Committees – Code and Regulation, Finance and Personnel, Planning and Development - and other select committees)

I. NEW COMMITTEE REPORTS TO BE READ IN MAY 14, 2012

A. CODE AND REGULATIONS

1. Beach - Regulation of the Sale of Animals at Flea Markets
 2. Beach – Miracle Mile Proposed Regulations for Tobacco Shops, Second Hand Stores
Cash Stores and Pawn Shops – Review of regulations for junk/salvage yard,
recycling facilities and waste related uses
 3. Beach - Closed Session for Purposes of Pending or Threatened Litigation: Brown v. City
of Rockford, et.al., 06CV50173
- Officers Reports

UNFINISHED BUSINESS

II. COMMITTEE REPORTS LAID OVER MAY 7, 2012

1. Beach - Code and Regulation - Recommending that City Council APPROVE granting an amended sanitary sewer easement through City of Rockford Property.
2. Beach - Code and Regulation - Recommending the approval of Spring Meadows Plat #2.
3. Beach - Code and Regulation - Recommending the approval of the Final Plat 5 of Riverside Marketplace.

4. Beach - Code and Regulation - Recommending the approval of Downtown Rockford (Final Plat of Jefferson/South Third Street).
5. Beach - Code and Regulation - Recommending the approval of the Plan of Operation and Governance regarding an Electricity Aggregation Program.
6. Beck - Finance and Personnel - Recommending the award for Garage Door Services be made to the (2) lowest bidders, Raynor Door Authority, of Loves Park, Illinois and Overhead Door Co., of Rockford, Illinois for the hourly rates as shown on tabulation. The funding source is Property Fund.
7. Beck - Finance and Personnel - Recommending the award for Material Testing be made to Apex Testing and Environmental Services, LLC to perform materials testing for various road projects for a total not-to-exceed cost of \$100,000. The funding source is Sales Tax funds.
8. Beck - Finance and Personnel - Recommending approval of an Engineering Agreement with McMahon Associates for Demolition of Well Site 28 in an amount not to exceed \$11,400. Funding for the project will come from the Water Replacement and Improvement Account (WRIA).
9. Beck - Finance and Personnel - Recommending approval of Task Order #19 with MWH America, Inc. for work on the Water System Rehabilitation Project in an amount not to exceed \$89,800. The task order will be completed under a Master Agreement with MWH Americas, Inc. Funding for the project will come from the Water Replacement & Improvement Account (WRIA).
10. Beck - Finance and Personnel - Recommending the award for Engineering Agreement: On Call Construction Observation be made to Homer Chastain & Associates, to perform construction observation services for various road projects for a total not-to exceed cost of \$50,000. The funding for the project will come from Sales Tax funds.

III. ORDINANCES LAID OVER MAY 7, 2012

1. Durkee - Amending the Redistricting Ordinance, with the Maps and Legal Descriptions for the Wards of the City of Rockford based upon the 2010 census.
2. Elyea - Approving the Amendment to the City's Housing and Community Development 2010-2014 Consolidated Plan in connection with the Department of Housing and Urban Development's Emergency Solutions Grant Program.
3. Elyea - Approving the Development Agreement with Downtown Rockford Restaurant, LLC upon receipt of approval from U.S. Department of Housing and Urban Development.
4. Beach - Amending Chapter 16, Schedule 313 of the Code of Ordinances of the City of Rockford to repeal the following:

The existing "No Parking Weekdays from 1 pm – 4 pm" restriction on the north side of Fulton Avenue from 150 feet west of Winnebago Street from 250 feet west of Winnebago Street, thus restoring unrestricted parking.

5. Beach - Amending Chapter 16, Schedule Section 280 of the Code of Ordinances of the City of Rockford to repeal the following:

The existing "No Parking Anytime" restriction on the north side of Fulton Avenue from Rockton Avenue to 150 feet east of Rockton Avenue, thus restoring unrestricted parking.

6. Beach - Amending Chapter 16, Schedule Section 309 of the Code of Ordinances of the City of Rockford to add the following:

That a "Commercial Loading" parking zone be established from 8:00 am – 5:00 pm, Monday through Friday on the north side of Mulberry Street from Church Street to 95 feet west of Church Street, thus repealing the existing "24 hour" commercial loading zone on the north side of Mulberry Street from Church Street to 95 west of Church Street.

7. Beach - Approving the agreement between the Highway Authority and Richard Warner for remedial action for the property located at 1706 Rural Street and prohibits the use of groundwater for the area surrounding.

- Motions and Resolutions

IV. MOTIONS AND RESOLUTIONS TO BE READ IN MAY 14, 2012

1. Beach - Rockford Public Library Summer Reading Kickoff – 6/2/12
2. Beach - Rockford Sharefest – 6/16/12
3. Beach - July 4th Celebration – 7/4/12
4. Beach - Midtown Summer Fest – 7/14/12
5. Beach - Bethesda Covenant Alley Walk – 9/8/12
6. Beach - Amped Up Adventure Race – 10/20/12

V. NEW BUSINESS (note: Ordinances may be read in under New Business and Rule 11 suspended and final vote taken. Committee Reports would have previously been voted on).

1. Beach – Approval of the sale of packaged liquor in conjunction with a liquor store in the name of **Neel Patel d/b/a Cork, Keg and Spirits** in a C-2, Limited Commercial Zoning District located at 1603 North Alpine Road.

2. Beach – Approval of the sale of beer and wine by the drink in conjunction with a restaurant in the name of **Rosa Laurencio d/b/a Tortacos Soto** in a C-4, Urban Mixed-Use Zoning District at 1138 Broadway.
 3. Beck - Approval of a Development Agreement for South Main Street Water Main – Railroad Pipe Crossing License with the Illinois Railway, LLC for an annual fee of \$1,000.00. Funding for this agreement will come from Sales Tax.
 4. Elyea - Approval of the First Amendment to the Redevelopment Agreement between the City of Rockford and Ingenium Testing Services, LLC; Ingenium Aerospace, LLC; and ITS Partners, LLC for the property located at 3761 South Central Avenue dated December 26, 2007.
- * same action taken before
 - Adjournment

* * * * *

POSSIBLE ADDITIONAL ITEMS:

The following items appear on the City Council Standing Committee Agendas as noted. Items may receive a vote at committee and come before the first City Council meeting held after the committee meeting. Rule 11 can be suspended and final vote taken on said items at the City Council meeting (no rule suspension is necessary to take a vote on vouchers).

CODE AND REGULATION COMMITTEE

Monday, May 14, 2012, 5:15 p.m.

Conference Room A, City Hall 2nd floor (north room)

AGENDA

1. C & R 12-80 Special Events: a)Rkfd Public Library Summer Reading Kickoff
b)Rockford Sharefest
c)July 4th Celebration
d)Midtown Summer Festival
e)Bethesda Covenant Alley Walk
f)Amped Up Adventure Race
2. C & R 12-35 Miracle Mile Request – Proposed Regulations for Tobacco Shops, Second Hand Stores, Cash Stores and Pawn Shops – Ald. Ann Thompson-Kelly's Request for a review of regulations for junk/salvage yard, recycling facilities and waste related uses
3. C & R 12-81 Closed Session for Purposes of Pending or Threatened Litigation: Brown v. City of Rockford, et.al., 06CV50173

FINANCE AND PERSONNEL COMMITTEE

Monday, May 14, 2012, 5:15 p.m.

Conference Room B, City Hall 2nd floor (south room)

AGENDA

1. Purchasing and Vouchers
 - A. Award of Sole Source Contract: Inlet Cleaner Repairs – Suspend rules
 - B. Engineering Agreement: Harrison Avenue Bridge Over Rock River Deck & Miscellaneous Superstructure Rehab
 - C. Engineering Agreement Amendment: Sawyer Road Reconstruction 2011
 - D. Resolution to take Bids
 - E. Emergency P.O. for Water Main Repair – **Info only**
 - F. Change Order: Water System Rehabilitation Group 4 Engineering Services – **Info only**
 - G. Vouchers
2. Resolution for ComEd Rider LGC
3. Compensation Analysis & Adjustment for Non-union Personnel
4. Retention of Outside Counsel Services

PLANNING AND DEVELOPMENT COMMITTEE

Monday, May 14, 2012, 5:30 p.m.

CD Conference Room, City Hall 2nd floor

AGENDA

1. Memorandum from Robert Lamb, Industrial Development Manager, regarding a Development Agreement with Prairie Street Brewhouse, LLC for the rehabilitation and establishment of a mixed use development to be located at 200 Prairie Street.

LEGISLATIVE LOBBYING COMMITTEE

Monday, May 14, 2012, ____ p.m.

Conference Room A, City Hall 2nd floor (north room)

AGENDA

No Meeting Scheduled.